

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS LEE JACKSON,

Petitioner,

v.

JEFFREY A. UTTECHT,

Respondent.

No. C13-5446 RBL/KLS

REPORT AND RECOMMENDATION
Noted For: August 2, 2013

On June 7, 2013, Petitioner Thomas Lee Jackson filed a proposed petition for writ of habeas corpus. ECF No. 1. On June 24, 2013, Petitioner paid the \$5.00 filing fee (Receipt No. T-10882). On June 24, 2013, Petitioner filed a motion for leave to proceed *in forma pauperis* (IFP). ECF No. 4. Because Mr. Jackson has paid the filing fee, the Court should deny the IFP application.

DISCUSSION

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Jackson paid the \$5.00 filing fee on June 24, 2013. Therefore, his IFP application is moot.

CONCLUSION

Because Mr. Jackson has paid the filing fee, the undersigned recommends that the Court deny his application to proceed *in forma pauperis* (ECF No. 4).

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen
2 (14) days from service of this Report and Recommendation to file written objections thereto. See
3 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
4 purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit
5 imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **August 2, 2013**,
6 as noted in the caption.
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8 **DATED** this 8th day of July, 2012.
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11 Karen L. Strombom
12 United States Magistrate Judge
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